

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

Obj. Deadline: February 19, 2025, at 4:00 p.m. (by agreement)

Re: D.I. 1556, 1923, and 2015

Hearing: March 25, 2025, at 10:00 a.m.

**SUPPLEMENT TO THE BRANDON, FLORIDA LANDLORD’S OBJECTION TO
FIFTH POST-CLOSING DESIGNATION NOTICE AND RESERVATION OF RIGHTS**

B&B Kings Row Holdings, LLC (the “Brandon, Florida Landlord” or the “Landlord”) filed its objection, reservation of rights, and joinder (the “Objection”) with respect to the *Notice of Filing of Fifth Post-Closing Designation Notice* (D.I. 1923) (the “Fifth Post-Closing Designation Notice” or “Fifth Notice”) on February 19, 2025 (D.I. 2015).

The Objection argued, *inter alia*, that § 365(b)(3) prohibits assumption and assignment if, for example, tenant mix or balance is disrupted in the shopping center. The Objection also reserved the right to supplement the Objection.

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores – PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores – CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

The Landlord leases a separate premises in the shopping center to Family Dollar Stores of Florida, Inc. pursuant to a lease dated January 9, 2009. Section 19 of that lease provides, in part:

So long as Tenant has not permanently closed its business at the Demised Premises ... Landlord agrees that Landlord ... will not lease (or permit the leasing or subleasing of) or sell any space in the Shopping Center ... to ... any store operated by Variety Wholesalers including but not limited to Maxway, Roses, Super 10, ValuMart, Pope's and Bargaintown. This Paragraph will not apply to any tenant open for business in the Shopping Center on the date of this Lease and identified on Exhibit C – Tenant Roster, so long as any such tenant continues to operate the same type of business as it is operating on the date of this Lease, or so long as any change in use by such tenant is not subject to Landlord's consent.

The Big Lots store which is the subject of this Objection was operating at the time of the Family Dollar lease was “Big Lots” was identified on Exhibit C.

Dated: March 21, 2025
Wilmington, DE 19801

ESBROOK P.C.

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